

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

ROBERT L. ALLUM,

Plaintiff,

vs.

STATE of MONTANA, MONTANA
STATE FUND, DEPARTMENT OF
LABOR, ANNA PUDELKA,
MELISSA QUALE, ESQ., THOMAS
E. MARTELO, ESQ., WILBUR PINO,
M.D., and DOES 1-100,

Defendants.

CV-19-12-BU-BMM-KLD

ORDER

Plaintiff Robert Allum filed a Motion for Preliminary Injunction. (Doc. 43). Allum requests that this Court stay all the actions of the Workers' Compensation Court (WCC) and Judge David M. Sandler in WCC case number 2019-4705, pending the Court's determination on the constitutionality of the WCC and Allum's other claimed constitutional violations.

A plaintiff seeking a preliminary injunction must establish that his claim is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that

an injunction is in the public interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

Allum has not demonstrated any of the above elements. Specifically, Allum does not point to irreparable harm that he is likely to suffer in the absence of preliminary relief. *See id.* at 22. Allum argues that the WCC is unconstitutional, but fails to point to any evidence supporting a conclusion that he is likely to suffer irreparable harm in the future absent injunctive relief. Any harm Allum suffered is not currently on-going and therefore is appropriately resolved during the ordinary course of litigation and does not necessitate the extraordinary remedy of injunctive relief. *Id.*

IT IS ORDERED that Allum's Motion for a Preliminary Injunction (Doc. 43) is **DENIED**.

DATED this 23rd day of January, 2020.



Brian Morris
United States District Court Judge